



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1052

Introduced 2/4/2005, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.640 new

Creates the Local Legacy Act. Creates the Local Legacy Board and establishes its membership, powers, and duties. Provides that the Board must choose a chairperson, adopt rules necessary to implement the Act, and submit a report to the General Assembly and the Governor by January 1, 2006 and every 2 years thereafter. Creates the Local Legacy Program to fund county-municipal partnerships for the purpose of inventorying and protecting natural areas, farmland, and cultural resources. Requires counties interested in program funds to form a Local Steering Committee composed of county board members, municipal officers, and local residents and provides procedures for Committee oversight of grant requests. Requires any Committee to develop criteria and a Resource Protection Plan for prioritizing resources and the use of grant moneys under the Act. Allows a local municipality to object in writing to all or some of the Resource Protection Plan and provides that only those counties, municipalities, and units of local government that have adopted a Resource Protection Plan are eligible for grant moneys under the Act. Creates the Local Legacy Fund as a special fund in the State treasury and specifies the purposes for which the Fund moneys may be used.

LRB094 08369 BDD 38562 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT to create the Local Legacy Act.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Local
5 Legacy Act.

6 Section 5. Policy.

7 (a) Illinois has a rich natural and cultural heritage.
8 Whether historic sites, natural areas, rich farmland, or other
9 prized resources, every county has treasures worth preserving
10 for future generations.

11 (b) As counties and municipalities grow, they often do not
12 have the opportunity to consider which resources are most
13 important to them. Consequently, they may inadvertently
14 imperil a historic structure, sever a potential natural
15 corridor, or fragment farmland into small and unsustainable
16 remnants.

17 (c) It is necessary and desirable to provide technical
18 assistance and funding in the form of grants to encourage
19 partnerships between counties and municipalities for the
20 creation of an inventory of their natural areas, farmland, and
21 cultural assets and to develop a Resource Protection Plan for
22 protecting those areas.

23 (d) It is the purpose of this Act to promote voluntary
24 county-municipal partnerships in every county by the year 2020
25 that will inventory resources, develop Resource Protection
26 Plans, and implement their respective plans.

27 Section 10. Definitions. In this Act:

28 "Board" means the Local Legacy Board created under this
29 Act.

30 "Committee" means a Local Steering Committee established
31 under this Act.

1 "Cultural resource" means a structure, building, district,
2 or site that has aesthetic, architectural, cultural,
3 archeological, or historical significance at the local, state,
4 or national level.

5 "Farmland" means land devoted to agriculture or
6 horticultural uses for the production of food (including
7 grains, fruits, vegetables, dairy products, or mushrooms),
8 fiber, floriculture, or forest products, or the raising of farm
9 animals (including livestock, sheep, swine, horses, ponies,
10 poultry, bees, or fish) or wildlife.

11 "Inventory" means a listing of a county's and its
12 municipalities' natural areas, farmland, and cultural
13 resources.

14 "Natural area" means an area of land or water that either
15 retains or has recovered to a substantial degree its original
16 natural or primeval character, though it need not be completely
17 undisturbed, or has floral, faunal, ecological, geological, or
18 archeological features of scientific, educational,
19 recreational, scenic, or aesthetic interest.

20 "Program" means the Local Legacy Program.

21 "Resource", unless otherwise specified, means farmland, a
22 natural area, or a cultural resource.

23 "Resource Protection Plan" means an integrated document
24 that includes goals, policies, strategies, and procedures for
25 preserving key farmland, natural areas, and cultural resources
26 identified in a countywide inventory and adopted as provided in
27 Section 30 of this Act.

28 Section 15. The Local Legacy Board. The Local Legacy Board
29 is created to administer the Program under this Act. The
30 membership of the Board shall be composed of the Director of
31 Natural Resources, the Director of Historic Preservation, and
32 the Director of Agriculture, or their respective designees. The
33 Board must choose a Chairperson to serve for 2 years on a
34 rotating basis. All members must be present for the Board to
35 conduct official business. The Departments must each furnish

1 technical support to the Board.

2 The Board has those powers necessary to carry out the
3 purposes of this Act, including, without limitation, the power
4 to:

5 (1) employ agents and employees necessary to carry out
6 the purposes of this Act and fix their compensation,
7 benefits, terms, and conditions of employment;

8 (2) adopt, alter and use a corporate seal;

9 (3) have an audit made of the accounts of any grantee
10 or any person or entity that receives funding under this
11 Act;

12 (4) enforce the terms of any grant made under this Act,
13 whether in law or equity, or by any other legal means;

14 (5) prepare and submit a budget and request for
15 appropriations for the necessary and contingent operating
16 expenses of the Board; and

17 (6) receive and accept, from any source, aid or
18 contributions of money, property, labor, or other items of
19 value for furtherance of any of its purposes, subject to
20 any conditions not inconsistent with this Act or with the
21 laws of this State pertaining to those contributions,
22 including, but not limited to, gifts, guarantees, or grants
23 from any department, agency, or instrumentality of the
24 United States of America.

25 The Board must adopt any rules, regulations, guidelines,
26 and directives necessary to implement the Act, including
27 guidelines for designing inventories so that they will be
28 compatible with each other.

29 The Board must submit a report to the General Assembly and
30 the Governor by January 1, 2006 and every 2 years thereafter
31 regarding progress made towards accomplishing the purposes of
32 this Act.

33 Section 20. Local Legacy Program. The Local Legacy Program
34 is created. The Board shall determine the eligibility of
35 county-municipal partnerships for funding under the Program.

1 The purpose of the Program is to provide grants to counties and
2 municipalities to (i) inventory their natural areas, farmland,
3 and cultural resources; and (ii) develop Resource Protection
4 Plans.

5 Section 25. Local Steering Committee. Counties interested
6 in assistance under this Act must form a steering committee
7 consisting of 11 members in the following 3 categories chosen
8 according to the following requirements:

9 (1) Three members of the county board appointed by the
10 county board chairperson with the advice and consent of the
11 county board.

12 (2) Three elected municipal officials chosen by the
13 corporate authorities of those municipalities
14 participating in the county-municipal partnership.

15 (3) Five public members who reside within the county
16 and are appointed by a majority vote of the county board
17 members and elected municipal officials on the Local
18 Steering Committee, with one each representing the
19 following categories:

20 (a) Agriculture.

21 (b) Environment.

22 (c) Historic preservation.

23 (d) Construction or development.

24 (e) Citizen-at-large.

25 When the Committee is first established, one-third of the
26 members of each category shall serve a term of one year;
27 one-third shall serve a term of 2 years; and one-third shall
28 serve a term of 3 years, except for the public members, one of
29 whom will serve for one year, 2 of whom shall serve for 2
30 years, and 2 of whom will serve for 3 years. All subsequent
31 members shall serve for a term of 3 years. A vacancy shall be
32 filled in the same manner as an original appointment.

33 The Chairperson shall be chosen for a term of 2 years from
34 among the members of the Committee by a majority vote of the
35 Committee; all members of the Committee including the

1 Chairperson have a vote.

2 The Committee shall adopt its own rules of operation.

3 Section 30. Duties of the Local Steering Committee. The
4 Local Steering Committee shall have the authority to apply for
5 and receive grants to conduct an inventory and develop a
6 Resource Protection Plan and to review all grant applications
7 from units of local government before they are submitted to the
8 Board.

9 The Local Steering Committee shall develop a strategy for
10 conducting an inventory of natural areas, farmland, and
11 cultural resources. The Committee shall determine which
12 resources should be included in the inventory, the amount of
13 financial and technical assistance needed from the State, what
14 information is already available, who will conduct the
15 inventory, how municipal and county efforts should be
16 coordinated, and how to present the information so that it is
17 compatible with inventories conducted by other
18 county-municipal partnerships.

19 The Committee shall use the inventory as the basis for
20 developing its Resource Protection Plan. Working with a
21 professional planner or other resource specialist, the
22 Committee shall develop criteria for prioritizing resources
23 identified by the inventory. When prioritizing resources, the
24 Committee shall analyze the threat to the resources using
25 population projections, land use patterns, and development
26 trends. Upon the approval of two-thirds of its members, with at
27 least one member from each of the 3 categories voting in
28 approval, the Committee shall recommend that the county board
29 and the municipalities within the county adopt the Resource
30 Protection Plan. Amendments to the Resource Protection Plan
31 must be approved in the same manner. A local government may
32 object to all or part of the Resource Protection Plan in
33 writing. If a written objection is filed with the Committee,
34 the portion of the Plan objected to shall not be effective
35 within that local government's borders. The objecting local

1 government may modify or withdraw its objection at any time.

2 Section 35. Local Legacy Fund. The Local Legacy Fund is
3 created as a special fund in the State Treasury. Subject to
4 appropriation, moneys shall be transferred into the Local
5 Legacy Fund from the General Revenue Fund. All interest or
6 other earnings that accrue from investment of the Local Legacy
7 Fund moneys shall be credited to the Local Legacy Fund. The
8 Local Legacy Fund shall be used by the Board to make grants to
9 counties and municipalities for inventorying and planning for
10 preservation of farmland, natural areas, and cultural
11 resources.

12 Section 40. Consideration of State grant awards. When
13 approving grant awards under this Act, the Board or the State
14 agency, as the case may be, shall give preferential
15 consideration to counties and municipalities that have adopted
16 Resource Protection Plans.

17 Section 90. The State Finance Act is amended by adding
18 Section 5.640 as follows:

19 (30 ILCS 105/5.640 new)

20 Sec. 5.640. The Local Legacy Fund.